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Attorney's Docket No.: 12128-065001

041000

8-3-01

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Michael Baj  
Serial No. : 09/826,697  
Filed : April 5, 2001  
Title : QOS TESTING OF A HARDWARE DEVICE OR A SOFTWARE CLIENT

Art Unit : 2661  
Examiner : Unknown

Commissioner for Patents  
Washington, D.C. 20231

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OFFICE OF PETITIONS

RESPONSE TO NOTICE OF INCOMPLETE RESPONSEANDPETITION UNDER 37 C.F.R. §1.181

In response to the Notice of Incomplete Response mailed July 24, 2001 (copy enclosed), and pursuant to 37 CFR §§1.8(b) and 1.181, applicant hereby petitions to withdraw the Notice. The response was deemed incomplete because the oath or declaration was missing.

The undersigned, applicant's attorney of record, first became aware of the incomplete response on July 26, 2001, upon receipt of the Notice of Incomplete Response, and submits that this petition to withdraw the Notice is being promptly submitted as required by 37 CFR §1.8(b)(1).

The following documents are submitted under 37 CFR §1.8(b)(2) as proof that all items required for a complete response were timely filed on July 9, 2001:

1. A copy of the Response to Notice to File Missing Parts, including an executed certificate of mailing signed by Deborah R. Nast on July 9, 2001;
2. A copy of the signed Declaration and Power of Attorney;
3. A copy of the check dated July 9, 2001 and postcard dated July 9, 2001 that were included with the Response; and

## CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

August 1, 2001

Date of Deposit

Signature

Diane M. Miles

Typed or Printed Name of Person Signing Certificate

Applicant : Michael Bay  
Serial No. : 09/826,697  
Filed : April 5, 2001  
Page : 2

Attorney's Docket No.: 12128-065001

6. A copy of the postcard stamped received by the PTO Mailroom on July 11, 2001.

Applicant submits that the Response was complete and timely filed and requests that the Notice be withdrawn. No fee is required.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date:

August 1, 2001

Kenneth F. Kozik

Kenneth F. Kozik  
Reg. No. 36,572

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COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/826,697	04/05/2001	Michael Baj	12128-065001

CONFIRMATION NO. 4200

## FORMALITIES LETTER



\*OC000000006334102\*

DAVID L. FEIGENBAUM  
Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804

Date Mailed: 07/24/2001

## NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

*Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on 07/11/2001 to the Notice to File Missing Parts (Notice) mailed 05/08/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*

*A copy of this notice **MUST** be returned with the reply.*

*M. Haggerty*  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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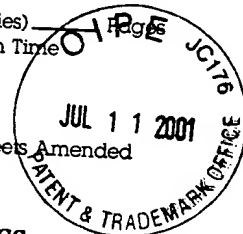
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PATENT  
ATTORNEY DOCKET NO.: 12128-065001

The Patent and Trademark Office date stamp sets forth the date of receipt of:  
Applicant or Patentee MICHAEL BAJ  
No. (Application, Appeal, Interference, Patent, Reexam) 09/826,697  
Filing or Issue Date APRIL 5, 2001  
Title: QOS TESTING OF A HARDWARE DEVICE OR A SOFTWARE CLIENT

☐ Transmittal Letter (2 Copies) ☐ With Pet. for Ext.  
☐ Assignment  
☒ Amendment/Response 2 Pages ☐ Status Inquiry  
☐ Maintenance Fee ☐ Declaration  
☒ Check \$ 130.00 ☐ Request Certificate of Correction  
☐ Deposit Account Order Form (2 Copies) ☐ Notice of Appeal  
☐ Issue Fee ☐ Request Patent Copies ☐ Appeal Brief (3 Copies) 1 Page  
☐ Information Disclosure Statement ☐ Petition for Extension Time  
☐ PTO 1449 Form-        Pages  
☐ Prior Art References-Number of References         
☒ Drawings 3 Sheets Formal        Sheets Informal        Sheets Amended  
☒ Notice of Missing Parts  
☒ Combined Declaration and Power of Attorney  
☐ Small Entity Statement  
☒ Other COPY OF TRANSMITTAL OF FORMAL DRAWINGS

Atty/Sec KFK/ Client/  
Initials drn Matter Name GENUITY Date 7/9/01



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